Calendar No. 266

101ST CONGRESS
1st Session

SENATE

REPORT
101-145

AMENDING PUBLIC LAW 91-34 RELATING TO THE POLICE FORCE OF THE NATIONAL ZOOLOGICAL PARK OF THE SMITHSONIAN INSTITUTION

SEPTEMBER 28 (legislative day, SEPTEMBER 18), 1989.—Ordered to be printed

---

Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 1521]

The Committee on Rules and Administration, to which was referred the bill S. 1521, to amend Public Law 91-34 (section 5375 of Title 5, United States Code) relating to the police force of the National Zoological Park of the Smithsonian Institution, having considered same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

Under Public Law 91-34 the pay for National Zoo Police officers is capped at the fifth step of each grade. An effect of that law has been to set fixed annual salaries for some of those officers for 20 years. This bill would permit such salaries to extend through the full ten steps for each grade. Fifteen of the 20 police officers on that force would benefit from this revision of the salary schedule, at an annual cost of $41,000.

BACKGROUND

At its meeting on January 30, 1989, the Board of Regents of the Smithsonian Institution requested its Congressional members to introduce and support legislation to amend Public Law 91-34 to remove the cap on Zoo Police Officers' salaries. Robert McC. Adams, the Secretary of the Smithsonian Institution, commented on this bill by letter to the Chairman of the Committee on Rules and Administration. His letter and one to the Chairman and Rank-

S683-14

ing Member of the Committee from the Senate Members of the Board of Regents of the Smithsonian Institution, Mr. Moynihan and Mr. Garn, in support of this bill, follow:

SMITHSONIAN INSTITUTION,
Washington, DC, September 25, 1989.

Hon. WENDELL FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to comment on S. 1521, a bill "to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes." The bill was introduced on August 3, 1989, by Senator Moynihan for himself and Senator Garn, both of whom are members of the Board of Regents of the Smithsonian Institution.

At its meeting on January 30, 1989, the Board of Regents reviewed a proposal to amend Public Law 91-34 and asked its Congressional members to introduce and support appropriate legislation to that end. A companion measure, H.R. 2866, was introduced in the House of Representatives on July 12, 1989, by Mr. Conte for himself, Mr. Mineta, and Mr. Whitten, who also serve on the Smithsonian's Board of Regents.

Salaries of the National Zoological Park (NZP) Police are determined by Public Law 91-34 because NZP Police are not covered by the Classification Act of 1949. Zoo Police officers have not received a pay increase since June, 1969, although in the time since I and, previously Secretary Ripley, have accorded them cost of living increases equal to those granted elsewhere in the Federal service.

The Zoo Police have been seriously outdistanced in terms of salary by units such as the United States Park Police and the Uniformed Branch of the Secret Service, whose starting salaries range from $24,450 to $34,136, as opposed to Zoo Police pay, which starts at $19,943 and tops at $22,093 for police privates. Increased wages in the private sector for security and other protective jobs also put the Zoo at a salary disadvantage.

As would be expected, the Office of Police and Safety at the Zoo has experienced difficulty in recruitment for Zoo police officers. Over the past decade, the principal pool of applicants has been retired military and law enforcement personnel, rather than applicants from viable competitions with other police recruitment sources. The force is currently composed of retired or second-career officers (55 percent) and first-career or non-retired individuals (45 percent). The average age of Zoo police officers is 47.9 years. Eliminating the current restrictions on pay at the fifth step of each grade, thereby permitting salaries scales to flow through the full ten steps, will ease problems of recruitment as well as retention, and will provide a more equitable pay system.

There are currently 20 officers on the NZP police force, 15 of whom would be affected by the legislation. It is estimated that the total salary increase cost for the next fiscal year would be $41,000.

The Office of Management and Budget advises that it has no objection to enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

ROBERT MCC. ADAMS, *Secretary.*

U.S. SENATE,
Washington, DC, September 20, 1989.

Hon. WENDELL FORD,
Hon. TED STEVENS,
Senate Committee on Rules,
Washington, DC.

DEAR WENDELL AND TED: We respectively request that S. 1521, a bill to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, be included in the next Senate Committee on Rules markup, scheduled for September 27, 1989.

S. 1521 would remove the current cap limiting pay to the fifth step of each grade for National Zoo Police officers, thereby permitting the police officers' salaries to extend through the full ten steps. Fifteen of the Zoo's 20 police officers would benefit from the salary increase, at an estimated total cost of $41,000.

The fixed annual salaries of the National Zoo Police, determined by Public Law 91-34, have not been increased in the last 20 years. While National Zoo Police have been accorded cost of living increases, their salaries remain low. Given the higher pay scales of both the United States Park Police and the Uniformed Branch of the Secret Service, it is not surprising that the National Zoo experiences serious recruitment difficulties.

This bill would enable the National Zoo to offer its police officers fair and competitive salaries. Not only would it remedy current recruitment problems, but also enhance employee retention. The National Zoo, with 3 million visitors annually, is a national treasure which requires a high quality police force.

We appreciate your attention in this matter and would be happy to provide you with any additional information necessary.

Sincerely,

DANIEL PATRICK MOYNIHAN.
JAKE GARN.

COMMITTEE ACTION

On September 27, 1989 the Committee on Rules and Administration held a markup session on S. 1521. After discussion, S. 1521 was passed, unanimously, by a record vote and was ordered reported favorably by the Committee.

COMMITTEE ROLLCALL VOTE

In compliance with paragraph 7 (b) and (c) of rule XXVI of the Standing Rules of the Senate, the record of the rollcall vote in the Committee on Rules and Administration during its consideration of S. 1521 to report it favorably was:

YEAS—10 Nays—0

Mr. Ford
Mr. Pell
Mr. Inouye
Mr. DeConcini
Mr. Gore
Mr. Moynihan
Mr. Adams
Mr. Stevens
Mr. Garn
Mr. McConnell

Cost Estimate

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the estimate of costs of this measure, prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act, is as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 28, 1989.

Hon. Wendell H. Ford,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared a cost estimate for S. 1521, a bill to alter pay levels for the police force of the National Zoological Park of the Smithsonian Institution as ordered reported by the Senate Committee on Rules and Administration on September 27, 1989. This bill would set annual rates of basic pay for the rank of private at not more than the rate for GS-7, for the rank of sergeant at not more than the rate for GS-8, for the rank of lieutenant at not more than the rate for GS-9, and for the rank of captain at not more than the rate of GS-10.

Based on information gathered from the Smithsonian Institution, this bill would affect the pay rates of fifteen employees, at an estimated cost to the federal government of $40,000 in fiscal year 1990. This cost would rise to about $48,000 in 1994. These costs are subject to future appropriations. This bill would have no cost impact on states or localities.

If you wish further details on this cost analysis, we will be pleased to provide them. The CBO staff contact is Alice E. Grant (226-2800).

Sincerely,

Robert D. Reischauer, *Director.*

Regulatory Impact

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration does not consider that enactment of this measure would have any regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported by the Committee on Rules and Administration, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

§ 5375. Police force of National Zoological Park

[The Secretary of the Smithsonian Institution shall fix the per annum rates of basic pay of positions on the police force of the National Zoological Park in accordance with the following provisions:

(1) Private—not more than the rate for GS–7, Step 5;

(2) Sergeant—not more than the rate for GS–8, Step 5;

(3) Lieutenant—not more than the rate for GS–9, Step 5;

(4) Captain—not more than the rate for GS–10, Step 5.]

(a) The Secretary of the Smithsonian Institution shall fix the per annum rates of basic pay of positions on the police force of the National Zoological Park in accordance with the following provisions:

(1) PRIVATE—Not more than the rate for GS–7;

(2) SERGEANT—Not more than the rate for GS–8;

(3) LIEUTENANT—Not more than the rate for GS–9;

(4) CAPTAIN—Not more than the rate for GS–10.

○